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| PAUL W. MARTIN LAW DEPARTMENT, WHQ-5E 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001 | | | EXAMINER SANDERS, ALLYSON N | |
| | | | ART UNIT 2876 | PAPER NUMBER |

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,537

Applicant(s)

CHARPENTIER, PETER R.

Examiner

Allyson N Sanders

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June 4, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the Amendment filed June 4, 2003.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7, 8, 12, 13, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh et al (5,314,631) in view of Walter et al (6,325,290).

Katoh et al teaches the following in regards to claims 7, 8, 12, 13, and 17-20:

"The present invention relates to a bar code reader for reading bar codes printed on packages or labels of goods, and more particularly to a separate-type bar code reader comprising a main body and a sub-body detachably mounted on the main body for use as a stationary bar code reader or a hand-held bar code reader.

In recent years, point-of-sale (POS) systems have been in increasing use in department stores and supermarkets so that efficiency in entering information about sales management and products has been improving.

A POS system comprises a bar code reader for reading bar codes attached to products by scanning them with a laser light beam for conversion to a form of information suitable for computational processing, a computer for processing the

resulting information, and an electronic cash register coupled between the reader and the computer for outputting information for the customer.” (Col. 1, lines 13-30).

Katoh et al teaches a scanner that is operable in two different modes. Specifically, the scanner functions as a detachable or removable scanner and also as a stationary scanner. Katoh et al also teaches the scanner being used at a POS terminal. Katoh et al however, fails to teach the specific features of the POS or kiosk terminal disclosed in claims 7, 8, 12, 13, and 17-20.

Walter et al teaches the following in regards to claims 7, 8, 12, 13, and 17-20:

“The present invention relates generally to a retail checkout terminal, and more particularly to a method and apparatus for checking out large items with a self-service checkout terminal.” (Col. 1, lines 6-9).

“What is particularly needed is a self-service checkout terminal which facilitates a customer’s entry of large, bulky items. What is also needed is a self-service checkout terminal which provides a level of security for monitoring entry of such large, bulky items.” (Col. 1 and 2, lines 67-4)..

“In accordance with a first embodiment of the present invention, there is provided a method of operating a self-service checkout terminal. The self-service checkout terminal has a housing, a stationary scanner secured to the housing, and a hand-held scanner having a holder associated therewith.” (Col. 2, lines 6-11).

“Referring now to FIG. 1, there is shown a self-service checkout terminal 10 for use in a retail business such as a grocery store. The self-service checkout terminal 10 includes a status light device 11, a product scale 12, a stationary scanner 14, a hand-

held scanner 16, a card reader 30, a display monitor 32, a keypad 34, a printer 36, and a processing unit 26.” (Col. 3, lines 39-45).

“The processing unit 26 communicates with the hand-held scanner 16 via a communication line 41.” (Col. 6, lines 50-51).

Walter et al teaches the following in regards to claim 8:

Figure 1 shows the scanner holder (44) and the scanner (16), which is enclosed in a housing.

“The processing unit 26 communicates with the display monitor 32 through a data communication line 43. The processing unit 26 generates output signals on the data communication line 43 which cause various instructional messages to be displayed on the display monitor 32. The display monitor 32 may include known touch screen technology which can generate output signals when the customer touches a particular area of the display screen associated with the display monitor 32. The signals generated by the display monitor 32 are transmitted to the processing unit 26 via the data communication line 43.” (Col. 6 and 7, lines 65-8).

In view of Walter et al’s teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to use the scanner taught by Katoh et al in combination with the POS terminal disclosed by Walter et al. Walter et al teaches all of the features of the kiosk described in independent claims 7, 13, and 17. Walter et al also teaches two different scanners; one that can be detached from the main housing in order to scan large objects and one the is stationary and is used to scan small items. One would be motivated to combine the multifunctional scanner

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taught by Katoh et al with the POS terminal taught by Walter et al in order to save space and cut costs by using only one scanner which performs in two ways rather than having two separate scanners for accomplishing the same goal.

4. Claims 9, 10, 14, 15, 22, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh et al (5,314,631) in combination with Walter et al (6,325,290) and in further view of Bontly (6,412,698).

Katoh et al and Walter et al's teachings are discussed above.

Although Katoh et al in combination with Walter et al teach kiosk, which contains a scanner that functions in a removable and a stationary mode, Katoh et al in combination with Walter et al fail to specifically teach the scanner being connected to the housing via a retractable tether.

Bontly teaches the following in regards to claims 9, 10, 14, 15, 22, 23, and 24:

"The present invention is particularly adapted for use with a portable data reader such as handheld scanner 10 that is suspended above a ground surface 16 when not being used by an employee or operator. The scanner 10 may be suspended via an overhead retractor (not shown) that includes a retractable hanging tether 11. As referred to herein, a "tether" is a cable, rope, or chain that typically includes a key-ring style clip 13 at one of its ends for clipping onto the attachment point of a scanner and thereby suspend same. Instead of a key-ring style clip 13, the tether 11 may alternatively include a solid-ring style coupler for coupling with a scanner 10." (Col. 2 and 3, lines 61-5).

5. Claims 11, 16, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh et al (5,314,631) in combination with Walter et al (6,325,290) and in further view of Pellaumail et al (6,409,086).

Katoh et al and Walter et al's teachings are discussed above.

Katoh et al in combination with Walter et al fail to specifically teach a mechanism that is operative to lock the scanner housing to the kiosk housing.

Pellaumail et al teaches the following in regards to claims 11, 16, and 21.

"A wireless system for self-service shopping is described that includes a customer identification device with an optically readable code, a portable terminal that includes an optical code reader, a local area radio, a terminal controller, and a locking mechanism, a master station, consisting of a master controller and a master radio, and a receiving rack for the portable terminals to which the scanners may be locked using the locking mechanism." (Abstract).

In view of Pellaumail et al's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to have the scanner be locked to the housing from which it extends from. One would be motivated lock the scanner in order to prevent theft and also to prevent the scanner from falling and breaking.

Response to Arguments

6. Applicant's arguments filed June 4, 2003 with respect to claims 7-16 and newly added claims 17-24 have been considered. The arguments regarding claims 7-16 are

moot in view of the new ground(s) of rejection. The Katoh et al reference teaches a multifunctional scanner, which is usable in both a removable and stationary mode.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson Sanders* whose telephone number is (703) 305-5779. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax phone number for this Group is (703) 308-7722, (703) 308-7724, or (703) 308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.sanders@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Allyson Sanders
Patent Examiner
Art Unit 2876
September 10, 2003


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